

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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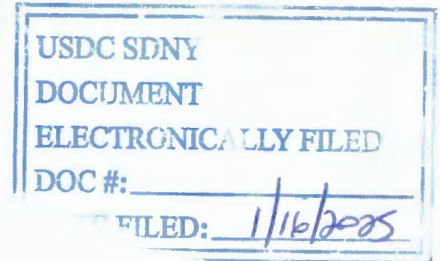
UNITED STATES OF AMERICA, *et al.*, *ex rel.* URI BASSAN

Plaintiffs,

v.

OMNICARE, INC.,

Defendant.



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15 Civ. 4179

UNITED STATES OF AMERICA,

Plaintiff,

v.

OMNICARE, INC. and CVS HEALTH CORP.,

Defendants.

X

NOTICE TO COUNSEL

McMahon, J.:

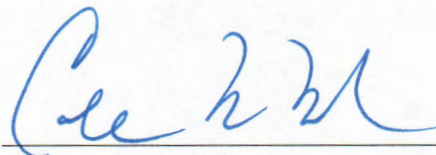
This morning, I was contacted by Judge Mitchell Goldberg from the Eastern District of Pennsylvania, who asked that I change your ready for trial date in view of his having set *Behnke v. CVS Caremark* 14-cv-824 (EDPA) – a case even older than this one (though not by much) – for trial on March 10, 2025. I gather some of the same lawyers who are representing Omnicare/CVS Healthcare in our case are on the team representing CVS Healthcare in that case.

I have responded to Judge Goldberg, and told him that I will accommodate *his* schedule by setting a firm and final trial start date of March 31, 2025 in our case. This represents a two week postponement and should give the lawyers for CVS Caremark enough time to complete the *Behnke* trial before starting our trial. The new date will undoubtedly complicate our jury selection, since Passover and Holy Week fall during the week of April 14, which would be our spillover third week of trial. But so be it; we will select jurors who can serve for three weeks, and

will work somewhat shorter days during that third week (and not at all on Friday, April 19). I am not inclined to offend a colleague.

That sentiment will not, however, extend to a second colleague; this new date I really will not change. So if anyone on your team, no matter how important s/he might be, cannot try the case on March 31 -- whether because of some other engagement or for any other reason (including planned vacations/spring breaks) -- you MUST find another lawyer to take his/her place. The same goes for witnesses -- you are paying your experts to show up for trial, so they will need to testify during the first weeks of April. There is no more wiggle room. If my scheduled criminal trial really goes on March 10, it will definitely be over before March 31; that makes this new date is a firm and final trial date -- not a "ready for trial and holding" date.

Dated: January 16, 2025



U.S.D.J.

BY ECF TO ALL COUNSEL